

Message Text

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ACTION OES-06

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 7547

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E.O. 11652: N/A

TAGS: IAEA, TECH, PARM

SUBJECT: U.S.-IAEA SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 2202

1. FOLLOWING ARE SEVERAL QUESTIONS ON TECHNICAL AND ADMINISTRATIVE MATTERS WHICH MISSION RECOMMENDS SHOULD BE CONSIDERED IN PREPARATION FOR EVENTUAL IMPLEMENTATION OF THE AGREEMENT ON THE PRESIDENT'S OFFER. PERHAPS SOME OR ALL OF THESE MATTERS HAVE ALREADY BEEN DEALT WITH SUFFICIENTLY. MISSION RAISES THEM ONLY TO HELP ASSURE THAT U.S. IS ADEQUATELY PREPARED.

2. ELIGIBLE FACILITIES LIST. THERE WILL BE A NEED FOR DETAILED CRITERIA FOR SELECTION OF ELIGIBLE US FACILITIES AND PROCEDURES TO MAINTAIN (ADDITIONS TO AND REMOVALS FROM) THE LIST. THESE CRITERIA AND PROCEDURES SHOULD BE COORDINATED AT LEAST BETWEEN NRC AND ERDA. QUESTIONS SUCH AS WHAT APPROVALS ARE NECESSARY PRIOR TO LISTING A FACILITY (E.G., FACILITY OPERATOR, NRC, ERDA, ETC.), WHAT TO DO WITH CASES WHERE A "DIRECT NATIONAL SECURITY LIMITED OFFICIAL USE

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SIGNIFICANCE" DETERMINATION IS NOT CLEAR, HOW TO HANDLE

DUAL FACILITIES (I.E., WITH CIVIL AND MILITARY CONTRACTS),
ETC., SHOULD BE COVERED.

3. NON-DISCRIMINATION. SOME THOUGH SHOULD BE GIVEN
TO THE BEST WAY OF ASSURING NON-DISCRIMINATION BETWEEN
COMPETING U.S. FIRMS WHICH COULD POSSIBLY RESULT FROM
IMPLEMENTATION OF THE OFFER. WHAT GUIDANCE CAN OR SHOULD
BE GIVEN THE AGENCY ON THIS MATTER? TO WHAT EXTENT, IF
ANY, WOULD PROCEDURES BE DEVELOPED IN ADVANCE TO HANDLE
THIS POSSIBLE PROBLEM, I.E., IN THE ABSENCE OF A REAL
CASE WHERE A DISCRIMINATION CHARGE IS RAISED?

4. U.S. COORDINATION. TO WHAT EXTENT AND HOW SHOULD
THE U.S. DOMESTIC (NRC AND ERDA) SAFEGUARDS AND IAEA
SAFEGUARDS EFFORTS BE COORDINATED FROM THE U.S. SIDE?
WHAT, IF ANY, INTERNAL U.S. ORGANIZATIONAL ARRANGEMENTS
ARE NEEDED? HOW MANY PEOPLE WILL BE NEEDED TO ASSURE ADEQUATE
COORDINATION (E.G., FOR ESCORTING, ELIGIBLE FACILITY
LIST MAINTENANCE, COMMUNICATIONS BETWEEN AGENCY AND
FACILITY OPERATORS, NOTIFICATION OF ADDITION TO OR DROPPING
FROM THE LIST OF SELECTED FACILITIES, REVIEWING AND
ASSURING TIMELY TRANSMISSION OF ACCOUNTABILITY, OPERAT-
ING AND SPECIAL REPORTS, ETC)? WHAT FUNCTION, AUTHORITY
AND RESPONSIBILITY SHOULD THEY HAVE?

5. U.S. ASSISTANCE. A SIGNIFICANT MANPOWER AND DOL-
LAR BURDEN COULD BE REMOVED FROM BOTH THE AGENCY AND
FACILITY OPERATORS IF THE U.S. WOULD PROVIDE ASSISTANCE
IN COMPLETING THE IAEA SAFEGUARDS DESIGN INFORMATION
QUESTIONNAIRE AND DEVELOPING FACILITY ATTACHMENTS FOR
ELIGIBLE U.S. FACILITIES, (SIMILAR TO WHAT TSO IS DOING
IN CASE OF WILMINGTON EXERCISE). SHOULD THIS POSSIBILITY
BE EXPLORED FURTHER?

6. IAEA INSPECTORS. WHAT SHOULD THE U.S. POLICY BE
VIS-A-VIS APPROVING IAEA INSPECTORS FOR IMPLEMENTATION
OF THE U.S. OFFER? (E.G., CHEMICAL REPROCESSING PLANT
INSPECTORS ONLY FROM COUNTRIES ALREADY POSSESSING SUCH
PLANTS; INSPECTORS ONLY FROM NPT PARTIES WHICH ARE ALSO
SUBJECT TO IAEA SAFEGUARDS, ETC.) WOULD SOME FORM OF
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SECURITY REVIEW BE DESIRABLE? WOULD THERE BE ANY
PROBLEMS IF IAEA WANTED TO SET UP ONE OR MORE REGIONAL
OFFICES IN THE U.S.? WILL THERE BE VISA PROBLEMS OR
SPECIAL QUESTIONS ON RIGHTS, PRIVILEGES AND IMMUNITIES
FOR TEMPORARY OR RESIDENT INSPECTORS? WHAT WILL THE
INSPECTORS NEED TO FACILITATE NUCLEAR MATERIAL SAMPLE
TAKING AND SHIPPING (EXPORTING)?

7. INTERFACE WITH U.S. DOMESTIC SYSTEM. MEETINGS WITH IAEA STAFF WILL NEED TO BE HELD TO DETERMINE IN DETAIL THE ADJUSTMENTS NECESSARY IN THE U.S. AND/OR IAEA NUCLEAR MATERIALS INFORMATION HANDLING SYSTEMS (BOTH OF WHICH ARE COMPUTER BASED AND THEREFORE SHOULD BE COMPATIBLE). DATA ELEMENTS, COMPUTER PROGRAMS, MATERIAL BALANCE AREA DEFINITIONS, ETC., WILL NEED TO BE DISCUSSED. DECISIONS MUST BE MADE ABOUT WHETHER U.S. DATA TO THE IAEA SHOULD BE RAW OR PROCESSED. (SOME OF THIS WORK COULD INVOLVE SEVERAL MONTHS RPT MONTHS OF EFFORT.)

8. U.S. REGULATIONS. ARE ANY CHANGES NEEDED IN US CODES, RULES OR REGULATIONS (E.G., ERDA, NRC) TO ACCOMMODATE IMPLEMENTATION OF THE OFFER?

9. RESPONSIBILITY. WHAT ORGANIZATION IN THE U.S. GOVERNMENT WILL HAVE OVERALL RESPONSIBILITY FOR ASSURING THAT THE U.S. WILL BE IN A POSITION FOR THE OFFER TO BE IMPLEMENTED WHEN (AND IF) THE TIME COMES, AND WHAT ORGANIZATION WILL BE RESPONSIBLE TO MAINTAIN THE US ROLE IN THAT IMPLEMENTATION? STONE

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